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AT&T Mobility LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL TERPIN,

Plaintiff,

v.

AT&T MOBILITY LLC; and DOES 1-  
25,

Defendants.

Case No. 2:18-cv-06975-ODW-KS

**DISCOVERY MATTER**

**DEFENDANT AT&T MOBILITY  
LLC'S SUPPLEMENTAL  
MEMORANDUM IN SUPPORT OF  
ITS MOTION RE DISPUTE AS TO  
AT&T'S INTERROGATORY NO. 30**

Hearing Date: September 21, 2022

Time: 10:00 a.m.

Discovery Cutoff: January 30, 2023

Pretrial Conference: April 10, 2023

Trial: May 2, 2023

Judge: Hon. Karen L. Stevenson

1 Defendant AT&T Mobility LLC (“AT&T”) hereby files its Supplemental  
2 Memorandum in support of its Motion re Dispute as to AT&T’s Interrogatory No. 30 (Dkt.  
3 91) pursuant to Local Rule 37-2.3.

4 In both his argument in the Joint Stipulation (Dkt. 104) and his Supplemental  
5 Memorandum (Dkt. 113), Plaintiff Michael Terpin (“Mr. Terpin”) misconstrues the  
6 purpose of the information sought through AT&T’s Interrogatory No. 30. There is no  
7 legitimate dispute that a central issue in this case is whether Mr. Terpin’s own actions  
8 contributed to the loss of the cryptocurrency for which he has sued AT&T. As Mr. Terpin  
9 states, the question of whether he met the standard of care in this case may be a matter for  
10 experts. But those expert opinions must be based on pertinent facts—including Mr.  
11 Terpin’s knowledge of and access to other methods of securing the cryptocurrencies at issue  
12 that could have prevented the theft. The relevant security measures are not just those  
13 securing access to the cryptocurrency wallets themselves, but also the measures used to  
14 prevent unauthorized access to any accounts that could be used to access the wallet or wallet  
15 credentials (e.g., Mr. Terpin’s online storage and email accounts). It is for this reason that  
16 AT&T has sought the information requested in Interrogatory No. 30—which on its face  
17 seeks information regarding “the location of any such wallet credentials, and any recovery  
18 email associated with the location in which wallet access credentials were stored.” Dkt. 104  
19 at 6:1–2.

20 Mr. Terpin’s Supplemental Memorandum argues that the need for a complete  
21 response to Interrogatory No. 30 has been mooted as a result of deposition testimony  
22 received from him. This is not the case.

23 As a threshold matter, Mr. Terpin cites no authority for the position that deposition  
24 testimony obviates the need for a complete and accurate written discovery response. Under  
25 the Federal Rules of Civil Procedure, “a party is generally entitled to engage multiple forms  
26 of discovery as a means of testing the opposing party’s positions.” *Reno v. W. Cab Co.*, No.  
27 2:18-cv-00840-APG-NJK, 2019 WL 6310716, at \*4 (D. Nev. Nov. 25, 2019) (stating it is  
28

1 “generally permissible” to have multiple forms of discovery addressing the same subject  
 2 matter). If Mr. Terpin’s position were a correct statement of the law, there would be no  
 3 need for parties to supplement written discovery responses based on information  
 4 subsequently obtained through other forms of discovery.

5 Nor is it accurate that Mr. Terpin provided a complete response to the issues raised  
 6 in Interrogatory No. 30 during his deposition. He has not, nor has he submitted any  
 7 deposition testimony to support that claim. Mr. Terpin’s responses throughout the  
 8 deposition were incomplete and nonresponsive. Mr. Terpin was unable to provide  
 9 information about specific cryptocurrency wallets he had at the time, let alone the security  
 10 used for those particular wallets. Nor did he provide full and complete answers regarding  
 11 the security of his email and online storage accounts. As a result of his failure to provide  
 12 complete responses to these questions or any responses at all to several others, AT&T  
 13 suspended the deposition reserving its right to seek relief from the court.

14 In sum, as set forth in the Joint Stipulation and discussed further above, the Court  
 15 should issue an order compelling Mr. Terpin to provide a complete response to  
 16 Interrogatory No. 30.

17  
 18 Dated: September 7, 2022

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

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